

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
SALISBURY DIVISION**

PEARLINE QUEEN,	:	
	:	Case No.
Plaintiff,	:	
	:	
v.	:	
	:	
GC SERVICES,	:	
	:	
Defendant.	:	

VERIFIED COMPLAINT

PEARLINE QUEEN (Plaintiff), by her attorneys, KROHN & MOSS, LTD., alleges the following against GC SERVICES (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. 1692, *et seq.*

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
3. Because Defendant conducts business in North Carolina, personal jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Thomasville, Davidson County, North Carolina.

PLAINTIFF'S VERIFIED COMPLAINT

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6. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.
7. Defendant is a collection agency with a business office in Houston, Texas.
8. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

9. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt.
10. Defendant contacts Plaintiff's from 800-753-8354.
11. Plaintiff spoke with Derek Lowry, and requested not to call her place of employment because they did not allow personal calls.
12. Defendant called Plaintiff at her work, despite being told not to call Plaintiff was prohibited from receiving such calls.
13. On May 25th, 2011, defendant sent plaintiff a letter threatening to garnish her wages. To date, no such action has been taken (see Exhibit A).
14. Defendant threatened to talk to plaintiff's boss, Brenda, and garnish her wages. Plaintiff confirmed her boss never spoke to defendant.

COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

15. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692c(a)(3) by repeatedly contacting Plaintiff at his place of employment even though Defendant knew that Plaintiff's employer prohibits the consumer from receiving such communications.

- b. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which is to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt;
- c. Defendant violated §1692d(5) of the FDCPA by causing Plaintiff's phone to repeatedly ring and repeatedly engage Plaintiff in conversation;
- d. Defendant violated §1692e(4) of the FDCPA by threatening to garnish Plaintiff's wages when Defendant did not intend to take such action.

Wherefore, Plaintiff, PEARLINE QUEEN, respectfully requests judgment be entered against Defendant, GC SERVICES, for the following:

- 16. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
- 17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k, and
- 18. Any other relief that this Honorable Court deems appropriate.

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DEMAND FOR JURY TRIAL

Please take notice that Plaintiff, PEARLINE QUEEN, demands a jury trial in this cause of action.

Dated: October 11, 2011

RESPECTFULLY SUBMITTED,

By: /s/ Christopher D. Lane

Christopher D. Lane, Esq.
NC Bar ID # 20302
3802-A Clemmons Road
Clemmons, NC 27012
Phone: 336 766-0229
Fax: 336 766-9145
cdllaw@juno.com

Attorneys for Plaintiff,
PEARLINE QUEEN

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF NORTH CAROLINA

Plaintiff, PEARLINE QUEEN, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, STEPHANIE CARVER, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

10-3-2011
Date

Pearline W. Queen
PEARLINE QUEEN

PLAINTIFF'S VERIFIED COMPLAINT

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EXHIBIT A

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL



United Student Aid Funds, Inc.
Supporting access to education

May 25, 2011

Customer Identification#:
[REDACTED] 7358

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PEARLINE W QUEEN
[REDACTED] DR LOT 7
THOMASVILLE NC 27360-0536

NOTICE PRIOR TO WAGE WITHHOLDING

DEAR PEARLINE W QUEEN:

You are given notice that United Student Aid Funds, Inc. (USA Funds), pursuant to federal law (Public Law 102-164; as amended by Public Law 109-171; 20 U.S.C. 1095a et seq.), will order your employer to immediately withhold money from your pay (a process known as "wage garnishment") for payment of your defaulted student loan(s), unless you take the action set forth in this Notice.

You must establish a written repayment agreement with United Student Aid Funds, Inc. (USA Funds) on or before 06-24-11. Otherwise United Student Aid Funds, Inc. (USA Funds) will proceed to collect this debt through deduction from your pay. Unless you act by 06-24-11 your employer will be ordered to deduct from your pay an amount equal to no more than fifteen percent (15%) of your disposable pay for each pay period, or the amount permitted by 15 U.S.C. 1673 (unless you give United Student Aid Funds, Inc. (USA Funds) written consent to deduct a greater amount) to repay your student loan(s) held by United Student Aid Funds, Inc. (USA Funds).

Disposable pay includes pay remaining after all deductions required by law have been withheld (such as social security and federal and state income taxes). Your employer will be ordered to deduct this amount no later than the first pay period which occurs after the date of which the Order of Withholding is issued to your employer, and will be ordered to deduct this amount each time you are paid, until your debt is paid in full.

Total Amount Currently Owed: \$4,864.45 good through 05-25-11.
NOTE: Because of the interest, late charges and other charges that may vary from day to day, the amount due on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after we receive your check, in which event we will inform you.

P. O. Box 32500, Columbus, Ohio 43232
1-800-753-8354
Fax# 614-856-2036



United Student Aid Funds, Inc.
Supporting access to education

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You have the following rights regarding this action:

You have the opportunity to inspect and/or request copies of United Student Aid Funds, Inc. (USA Funds) records relating to your debt. Basic information about your debt will be provided free of charge along with our response to your hearing request. All requests for documentation must be in writing. Telephone requests will not be honored. Please note that a request for documents, by itself, will not prevent garnishment of your wages.

You have the opportunity to avoid wage garnishment by immediately remitting the balance in full or by entering into a written repayment agreement with GC Services, LP to establish a satisfactory schedule for the repayment of this debt. To obtain information on entering into a repayment agreement, call 1-877-551-9750.

You have the right to object to the proposed garnishment, and you have an opportunity for a hearing on your objection. You may raise as objections: (1) the existence of the debt; (2) the amount of the debt; or (3) that making installment payments in amounts equal to 15% of your disposable pay, or having payments in that amount withheld from your disposable pay would constitute an extreme financial hardship.

An employer may not discharge you, refuse to employ you, or take disciplinary action against you as a result of this proposed action or existence of an Order for Withholding. If an employer takes any of these actions, you may sue that employer in state or federal court for reinstatement, back pay, attorney fees, and punitive damages.

If you document that you have been involuntarily separated from employment, United Student Aid Funds, Inc. (USA Funds) will not garnish your wages until you have been re-employed continuously for twelve (12) months. If you wish to claim this exemption from wage garnishment, you need to complete Part II of the enclosed "Request for Hearing" form and send us written proof that you qualify for the exemption by 06-23-11. Satisfactory written proof is the following: documents from Employment Commission (or a similar agency in another state) indicating your entitlement to unemployment compensation, and a statement from your present employer indicating the date you began work at your present job. If you are not covered under a State's unemployment program (even if involuntarily separated from employment), you must provide a statement to that effect from the state unemployment

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agency. Failure to provide written proof may result in your claim of exemption being rejected as unsubstantiated.

How to request a hearing:

Complete the enclosed form and return it to GC Services, LP by 06-23-11.

Mail your "Hearing Request" to:

Wage Garnishment Appeal
P.O. BOX 32500
Columbus, OH 43232-0500

Unless you specifically request an in-person or telephone hearing, the hearing will be a review of your written statement on the enclosed "Request for Hearing" form and all relevant documents. You will be notified when, where, and how your hearing will be held.

GC Services, LP must receive your written request for a hearing by 06-23-11 in order to prevent a Withholding Order from being issued to your employer. If you miss the deadline, you will still receive a hearing, but the hearing will not take place prior to the issuance of a Withholding Order to your employer. You must make your request for a hearing in writing. Telephone requests will not be honored.

Your hearing may take place in one of three ways:

If you request that your hearing be in writing, an independent hearing officer will review your written statement and any supporting documentation and decide whether or not your debt is subject to wage withholding, and the amount of that withholding.

If you request that your hearing be held via telephone, a conference call will be set up between you, GC Services and the hearings officer.

If you request a hearing in person, it will be heard at National Mediation Arbitration, 12655 N. Central Expressway, Dallas, TX 75243, and you must pay your own expenses to appear at this hearing.

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